

In the United States Patent and Trademark Office

Serial Number: 10/032,535

Appn. Filed: 01/02/2002

Applicant(s): John Shaw et al.

Appn. Title: Method and System for Facilitating Secure Transactions

Examiner/GAU: Harbeck, Timothy / 3628

Declaration of D. Jarrett Collins

I, D. JARRETT COLLINS, being over the age of eighteen and competent to testify, make the following declaration:

1. I am the Manager of Stonefish LLC ("Stonefish"), the applicant and assignee in patent application # 10/032,535 ("the '535 application").
2. I am familiar with the examination of the '535 application, and am now familiar with the recently-surfaced Securitics and Exchange Commission Briefing ("briefing").
3. Stonefish had no information about, and no knowledge of, the briefing or the invention described therein prior to February 6, 2007, when we received a Notice of Withdrawal From Issue of the '535 application. Our patent attorney spoke with the examiner on February 8, 2007, and was told that an SEC-related reference precipitated the withdrawal from issue. Our patent attorney visited the USPTO on February 12, 2007 to obtain a copy of the reference, and only then did we become aware of the briefing and the invention described therein.
4. Our predecessor-in-interest for the '535 application, Harborside Plus, Inc., offered a trading system and method incorporating the claimed subject matter under the names "Harborside", "Harborside Plus", "Harborside Indication Manager", and "HIM". As previously discussed in Harborside Plus, Inc.'s Petition to Make Special, we believe that

Liquidnet, Inc. is currently offering a trading system and method incorporating the claimed subject matter.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.


D. Jarrett Collins

3/19/07
Date